

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
(CAMDEN VICINAGE)**

NATIONAL SPECIALTY INSURANCE  
COMPANY

Plaintiff(s),

**vs.**

NEW JERSEY AMERICAN WATER  
COMPANY INC, F.W. SHAWL & SONS,  
INC.

Defendant(s).

CIVIL ACTION NO:

**NOTICE OF REMOVAL**

Defendant, New Jersey – American Water Company Inc., (hereinafter NJAW), by and through its counsel, Marshall, Dennehey, Warner, Coleman & Goggin, hereby removes this action, pursuant to 28 U.S.C. §1441(a), 1446 and 15 U.S.C. §1332 (diversity of citizenship of the parties), to the United States District Court for the District of New Jersey, and in support thereof states as follows:

1. On or about November 7, 2019, National Specialty Insurance Company (“NISC”), filed a Complaint in the Superior Court of New Jersey, Law Division, Cape May County, under Docket No: CPM-L-00440-19 ("the State Court action"). (See Complaint attached as Exhibit "A").
2. Defendant was served with the Summons and Complaint on or about November 7, 2019. (A true and correct copy of the affidavit of service is attached as Exhibit "B").
3. This Notice of Removal is timely filed in accordance with 28 U.S.C. §1446.
4. In the Complaint, the plaintiff makes the following pertinent allegations:

1. Plaintiff, NSIC, is a Texas Corporation with its principal place of business at 1900 L Don Dodson Drive, Bedford, Texas. Plaintiff conducts business within the State of New Jersey.

2. Defendant, NJAW, is a New Jersey Corporation with its principal place of business in Voorhees, New Jersey.

3. Defendant, Shawl, is a New Jersey Corporation with its principal place of business at 5 Dolores Avenue, Marmora, New Jersey.

4. This matter is properly venued in the state of New Jersey.

5. Jurisdiction and Venue – This Court has jurisdiction over this matter because, pursuant to 28 U.S.C. §1441(b), diversity of citizenship has been pled.

6. The plaintiff alleges in its Declaratory Judgment Complaint that it NSIC seeks a judgment: (a) declaring that NSIC is not obligated to defend or indemnify NJAW or co-defendant, Shawl.

7. In its four count declaratory judgment Complaint, plaintiff alleges that NJAW does not qualify as an additional insured and/or certain exclusions apply with regard to a commercial general liability policy it issued to Shawl for the period July 1, 2015 to July 1, 2016 pursuant to which NJAW tendered its defense and indemnity arising out a an incident that occurred on or about November 24, 2015 at a water main project located on Avalon Boulevard in Middle Township, Cape May County, New Jersey.

8. Venue is properly laid in the Camden vicinage of the District Court of New Jersey, pursuant to 28 U.S.C. §1391(a)(2) since defendant NJAW is a New Jersey Corporation with its principal office in Voorhees, Camden County, New Jersey, and Shaw is a New Jersey Corporation located at 5 Dolores Avenue, Marmora, Cape May County, New Jersey.

WHEREFORE, the defendant, New Jersey – American Water Company Inc. hereby removes the above action pending against it in the Superior Court of New Jersey, Law Division, Cape May County, to the United States District Court for the District of New Jersey.

MARSHALL, DENNEHEY, WARNER,  
COLEMAN & GOGGIN  
Attorneys for Defendant,  
New Jersey – American Water Company Inc.

Dated: December 5, 2019

*/s/ Dante C. Rohr*  
BY: \_\_\_\_\_  
DANTE C. ROHR  
NJ Attorney ID # 019921998  
15000 Midlantic Drive, Suite 200  
P.O. Box 5429  
Mount Laurel, NJ 08054  
856-414-6412  
Fax: 856-414-6077  
Email: dcrohr@mdwecg.com